

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CLARENCE D. JOHNSON,

Plaintiff,

v.

AMAZON, *et al.*,

Defendants.

CASE NO. C21-0496-RSM

ORDER REVOKING IN FORMA
PAUPERIS STATUS

This matter comes before the Court on a referral from the Ninth Circuit Court of Appeals to determine whether in forma pauperis (“IFP”) status should continue on appeal. Dkt. #11. Pro se plaintiff Clarence D. Johnson was granted leave to proceed IFP in this matter on April 29, 2021. Dkt. #6.

Plaintiff commenced this action against multiple defendants, including Amazon, Larry Page, Mark Zuckerberg, the City of Chicago, Craigslist Owners, the United Nations, President Joe Biden, and former presidents Barack Obama and Donald Trump. Dkt. #1 at 4. On April 30, 2021, the Court issued an order to show cause highlighting deficiencies in Plaintiff’s complaint and ordering Plaintiff to submit a response within twenty-one days explaining why the case should not

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1 be dismissed. Dkt. #7. The order specifically cited the lack of information set forth in the
2 complaint, including “prisoner property seizure” under the statement of claim and vague references
3 to “international law, federal law” without connecting facts to his claims or bases for relief sought.

4 The Court ordered Plaintiff to respond with a short and plain statement explaining “(1) the
5 laws or statutes upon which his claims are based; (2) exactly what facts support each of the alleged
6 violations of law; and (3) what specific injury Plaintiff suffered because of each alleged violation
7 of law.” *Id.* The Court warned that Plaintiff’s Complaint suffered from deficiencies that, if not
8 adequately addressed, would require dismissal. *Id.* (citing 28 U.S.C. § 1915(e)(2)(B)).
9 Furthermore, it warned that failure to file a response to the order to show cause would require
10 dismissal of this case. *Id.* Plaintiff failed to file any response to the Court’s show cause order.
11 Accordingly, on May 27, 2021, the Court dismissed Plaintiff’s claims and closed the matter. Dkt.
12 #8.

13 An indigent party who cannot afford the expense of pursuing an appeal may file a motion
14 for leave to proceed IFP. Fed. R. App. P. 24(a); 28 U.S.C. § 1915(a)(1). Where, as here, a party
15 was permitted to proceed IFP in the District Court, the party may proceed on appeal in forma
16 pauperis without further authorization unless the District Court certifies in writing that the appeal
17 is not taken in good faith or that the party is not otherwise entitled to proceed IFP. Fed. R. App.
18 P. 24(a)(3); 28 U.S.C. § 1915(a)(3) (“An appeal may not be taken in forma pauperis if the trial
19 court certifies in writing that it is not taken in good faith.”). An appeal is taken in “good faith”
20 where it seeks review of at least one issue or claim that is found to be “non-frivolous.” *Hooker*
21 *v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002). An issue is “frivolous” where it
22 “lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

1 Legally frivolous claims are those “based on an indisputably meritless legal theory,” such as
2 claims against defendants who are immune from suit or for infringement of a legal interest that
3 clearly does not exist. *Id.* at 327.

4 This Court cannot find that Plaintiff’s appeal has been taken in good faith. First,
5 Plaintiff’s notice of appeal does not identify the basis of his appeal or the alleged error(s) by the
6 District Court. *See* Dkt. #9-1. Moreover, the Court has found, and continued to find, that
7 Plaintiff’s complaint suffered from deficiencies that were not adequately addressed and therefore
8 required dismissal pursuant to 28 U.S.C. § 1915(e)(2)(B). Accordingly, the Court finds
9 Plaintiff’s appeal to be frivolous.

10 Accordingly, the Court hereby FINDS AND ORDERS that:

- 11 1) Plaintiff’s in forma pauperis status is REVOKED;
- 12 2) The Clerk is directed to send a copy of this Order to the Ninth Circuit Court of
13 Appeals in Case No. 21-35651;
- 14 3) The Clerk shall send a copy of this Order to Plaintiff.

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16 DATED this 26th day of August, 2021.

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19 RICARDO S. MARTINEZ
20 CHIEF UNITED STATES DISTRICT JUDGE
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